

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ZF MERITOR LLC and MERITOR
TRANSMISSION CORPORATION,

Plaintiffs,

v.

Civ. No. 06-623-SLR

EATON CORPORATION,

Defendant.

O R D E R

At Wilmington this _____ day of _____ 2007, the parties having satisfied their obligations under Fed. R. Civ. P. 26 (f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: Plaintiffs' liability and damages claims and Defendant's defenses thereto, including any affirmative defenses.

(b) All merits discovery shall be commenced in time to be completed by August 15, 2008.

(c) Maximum of 50 interrogatories by plaintiffs and 50 interrogatories by defendant.

(d) Maximum of 30 requests for admission by plaintiffs and 30 requests by defendant (excepting requests for authentication of documents).

(e) Maximum of 40 fact depositions by plaintiffs and 40 by defendant.

(f) Each fact deposition shall be limited to a maximum of 7 hours unless extended by agreement of parties.

(g) All expert discovery shall be commenced in time to be completed by November 14, 2008.

(h) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by September 15, 2008. Rebuttal expert reports due by October 15, 2008.

(i) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, plaintiffs are limited to two (2) Rule 37 motions and defendant is limited to two (2) Rule 37 motions. Discovery disputes with third parties are not subject to said limitations. The court shall make itself available, however, to resolve through a telephone conference, disputes

that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other Parties and Amendment of Pleadings.

All motions to join other parties and amend the pleadings shall be filed on or before August 15, 2007.

4. Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to a Magistrate Judge for the purposes of exploring ADR.

5. Summary Judgment Motions. All summary judgment motions shall be served and filed with an opening brief on or before December 15, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten** (10) days from the above date without leave of the court.

6. Applications by Motion. Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion should contain the statement required by D. Del. LR 7.1.1.**

7. Motions in Limine. All motions in limine shall be filed on or before ____, 2009. All responses to said motions shall be filed on or before ____, 2009.

8. **Pretrial Conference.** A pretrial conference will be held on _____, 2009 at 4:30 p.m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a 15-20 day jury trial commencing on _____, 2009 in Courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

United States District Judge